

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NORTH AMERICAN SUGAR INDUSTRIES INC.,

Plaintiff,

v.

BBC CHARTERING USA, LLC,

Defendant.

Civil Action No.: 4:21-cv-00012

**TWELFTH JOINT STATUS REPORT REGARDING BBC USA’S JURISDICTIONAL
CHALLENGES IN THE FIRST ACTION**

Plaintiff North American Sugar Industries Inc. (“American Sugar”) and Defendant BBC Chartering USA, LLC (“BBC USA”) (together, the “Parties”), by and through their undersigned counsel, hereby submit this joint status report:

1. On January 26, 2021, this Court issued an order, Dkt. No. 21, granting American Sugar’s unopposed motion to stay the above-captioned case until the final resolution of the challenges to personal jurisdiction and subject matter jurisdiction raised in BBC USA’s motions to dismiss in *North American Sugar Industries Inc. v. Xinjiang Goldwind Science & Technology Co., Ltd.*, No. 20-cv-22471-DPG (S.D. Fla. June 15, 2020) (“First Action”), ECF Nos. 48, 54. Among other things, that order directed the Parties to submit a status report on April 2, 2021 and every 60 days thereafter. Dkt. No. 21.

2. As of the date of this joint status report, BBC USA’s jurisdictional challenges in the First Action have not been finally resolved.

3. With respect to BBC USA’s challenges to subject matter jurisdiction in the First Action, First Action ECF No. 54, the court in that action held that American Sugar sufficiently

pleaded standing, *see* First Action ECF No. 145. The First Action court dismissed without prejudice American Sugar's original complaint, First Action ECF No. 1, on other, non-standing grounds, and granted leave for American Sugar to file an amended complaint by November 1, 2021, *see* First Action ECF Nos. 163, 167, 187.

4. American Sugar filed its Amended Complaint on November 1, 2021. *See* First Action ECF No. 189. BBC USA filed its renewed motion to dismiss for lack of personal jurisdiction on December 6, 2021. *See* First Action ECF No. 199. American Sugar filed its opposition on January 14, 2022, *see* First Action ECF No. 218. BBC USA filed its reply on February 18, 2022. *See* First Action ECF No. 238.

5. On December 14, 2022, the First Action court granted BBC USA's motion to dismiss for lack of personal jurisdiction. *See* First Action ECF No. 299. On January 10, 2023, American Sugar appealed to the Eleventh Circuit the First Action court's decision on BBC USA's motion to dismiss for lack of personal jurisdiction. *See* First Action ECF No. 300; *North American Sugar Indus., Inc. v. Xinjiang Goldwind Science and Tech. Co., Ltd.*, No. 23-10126 (11th Cir.), Dkt. No. 1.

6. The Parties will submit their next joint status report on or before March 28, 2023, pursuant to the Court's January 26, 2021 order. *See* Dkt. No. 21.

Dated: January 27, 2023

Respectfully submitted,

/s/ Collin J. Cox

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CERTIFICATE OF SERVICE

I hereby certify that, on January 27, 2023, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Collin J. Cox
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